THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.14529 OF 1995

DATED: 12-09-2006

BETWEEN

Sk.Md.Jakria,
S/o. Late S.A.Nabi,
Occ: P.A.to Spl.Officer,
(Under suspension), A.P.State Wakf Board,
Hyderabad, R/o.S.R.T.453, Sanathnagar,
Hyderabad.

...PETITIONER

AND

The Special Officer,
A.P.State Wakf Board,
Razzack Manzil,
Opp. to Public Garden,
Hyderabad.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the Special Officer, Andhra Pradesh Wakf Board in not reinstating him into service in the post of PA to Special Officer and in not making payment of subsistence allowance to the tune of Rs.75/- from July 1994 as illegal and arbitrary and to declare that the petitioner is entitled to all consequential benefits.

Counter has been filed stating that the petitioner is involved in a murder case along with others in murdering one M.A. Quadeer; Deputy Secretary of Andhra Pradesh Wakf Board on the night of 09.11.1992 and the body of the said Khadri was thrown in a manhole located far away in Ranga Reddy District. As the criminal case was registered against the petitioner showing

him as accused in Cr.No.622 of 1992 for the offence punishable under Section 302 of the Indian Penal Code, 1860, pending on the file of XII Metropolitan Magistrate, Nampally, Hyderabad and as he was arrested and remanded to judicial custody for more than 24 hours he was placed under suspension in accordance with the rules and suspension allowance was allowed to the petitioner.

It is further stated that as long as the petitioner is not acquitted in the murder case, which is a serious offence, the petitioner is not entitled to any increase of subsistence allowance more than 50%.

The respondent is not responsible for the delay caused either in the enquiry or in the disposal of the case. However, the respondent addressed a letter to the Government with regard to the issue whether the petitioner is entitled to any enhancement of subsistence allowance but he Government has not replied.

In view of the aforesaid facts and circumstances of the case,

I am of the opinion that no relief can be granted to the petitioner and the writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

September 12, 2006
DSK